

REMARKS

Claims 1 -10, 16 and 21 have been amended, and claims 11-15, 17-20 and 22-25 were cancelled. No new matter was presented via the amendments.

In the previous Office Action, the Examiner cited many prior art references against the claims indicating that they could possibly read on the claims. The Applicant's previous amendments were made to rule out fishing hook rings that might slide along a length of the rod (by virtue of the "securely engage" language) and pliable (read flexible material or flimsy construction) constructions (by virtue of the "*rigid* fishing accessory ring"). It is noted that the present amendment further clarifies these points.

As they stand, the claims are directed to a combination of a rigid accessory ring and a fishing rod, wherein the accessory ring is securely positioned on the butt or reel seat portions of the fishing rod. The benefit of 1) the rigid ring and 2) the positioning permits not only securing of tackle/hooks via the accessory ring, but also provides for the possibility of attaching a harness or safety line (without ripping apart the accessory ring, since the forces on these lines are often significant). As will be seen below, none of the art cited by the Examiner describe rigid accessory rings attached to the butt portion or reel seat portion of a fishing rod that is configured to attach to fishing tackle or harness or safety lines.

Claims 1-10, 16, 17 and 21 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,587,757 to Lirette (hereinafter "Lirette"). Review of Lirette reveals that it is directed to a fishing harness configured to be worn around the waist of a user, and not to a fishing accessory ring, configured to be securely engaged (there is no securing member as claimed in claim 1 or new claims 26-31) with a butt or reel seat portion of a fishing rod. Lirette is quite different from the claims at issue; no one in their right mind would confuse a fighting harness with an accessory ring and rod combination. Further, the 'second aperture' does not extend from the 'first aperture' but instead from the waist band of the fighting harness. Because these limitations are lacking from Lirette, the claims should be novel over Lirette. To anticipate a claim under 35

U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barlant, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q. 2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Reconsideration and allowance is respectfully requested.

Claims 1-10, 16, 17 and 21 have also been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,719,695 to Ferguson (hereinafter "Ferguson"). Review of Ferguson reveals that it is directed to a fishing rod support configured to bolt to the deck of a boat, and not to a fishing accessory ring, configured to be securely engaged with a butt or reel seat portion of a fishing rod. The Examiner wants to use a bracket for screwing a pole to a deck as a reference, stating that a fishing rod is not specifically claimed. This is untrue. Claim 1 recites both the fishing rod and accessory ring combination and a fishing rod shaft portion. Because these limitations are lacking from Ferguson, the claims should be novel over Ferguson. To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barlant, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q. 2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Reconsideration and allowance is respectfully requested.

Claims 1-9, 16, 17 and 21 have also been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 309,028 to Byington (hereinafter "Byington"). Review of Byington reveals that it is directed to a fishing hook retainer that is slidable on the shaft of the fishing rod, and not to a fishing accessory ring, configured to be securely engaged (non-slidable) with a butt or reel seat portion of a fishing rod, and certainly not to an accessory ring that could receive or hold a harness safety line, among others. Byington is quite different from the claims at issue. Because these limitations are lacking from Byington, the claims should be novel over Byington. To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barlant, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q. 2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Reconsideration and allowance is respectfully requested.

Addressing the rejections, claims 1-10, 16, 17 and 21 have been rejected under 35 U.S.C. 103(a) as being obvious in view of U.S. Patent No. 2,556,403 to Sokolik (hereinafter "Sokolik"). Review of Sokolik reveals that it is directed to a fishing hook catch in an accessory ring, but the ring is elastic (Col. 1, line 21) and is specifically slidably adjustable on the pole length (Col. 1, line 6). This accessory ring is also not rigid (as required by the claims), is not configured to securely (non-slidable) engage a butt portion or reel seat portion of the rod, and would not be able to withstand the forces generated by, e.g., a harness line, but instead would rip off of the pole. Indeed, this reference teaches directly against non-slidable configurations by stating that it must be slidably adjustable. Because these limitations are lacking from Sokolik and because of the teachings of Sokolik itself, the claims should be patentable over Sokolik. In order to make out a prima facie case of obviousness, a proposed combination of prior art references must teach or suggest all of the limitations of the rejected claims. *In re Vaech*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970). Reconsideration and allowance is respectfully requested.

Claims 1-9, 16, 17 and 21 have been rejected under 35 U.S.C. 103(a) as being obvious in view of Japanese Patent No. 11-346606 to Shoji et al. (hereinafter "Shoji"). Review of Shoji reveals that it is indeed directed to a fishing hook catch in an accessory ring, but the ring is a separate D-ring (A in FIGURE 6), which would not be sufficiently rigid to support a harness line. Indeed, it seems clear that the D-ring system illustrated by Shoji is really only designed to attach to fishing hooks (such as the multiple head hook illustrated in FIGURE 3). There is no securing member as described by claim 1 and this accessory ring is not rigid (as required by the claims) such that it could possibly connect to a harness line or safety line. Because these limitations are lacking, the claims should be patentable over Shoji. In order to make out a prima facie case of obviousness, a proposed combination of prior art references must teach or suggest all of the limitations of the rejected claims. *In re Vaech*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991);

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If there are any fees with regard to this response or otherwise, please charge them to deposit account 06-1130, maintained by the Applicant's attorneys.

Respectfully Submitted,

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